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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,245	01/26/2004	Feng Cao	062891.1187	4163
5073 7590 07/30/2008 BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				
EXAMINER				
ZENATI, AMAL S				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
07/30/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com  
glenda.orrantia@bakerbotts.com

# Office Action Summary

**Application No.**

10/766,245

**Applicant(s)**

CAO ET AL.

**Examiner**

AMAL ZENATI

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

*Claim Rejections - 35 USC § 102*

1. The following is appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-28** are rejected under 35 U.S.C 102 (e) as being anticipated by **Ong (US 6922786 B1)**.

Consider **claims 1, 9, 17, and 27, Ong** clearly shows and discloses a method, an apparatus, and a system for tracking telecommunication services comprising: a network interface operable to receive a call, wherein the call includes a call identifier (col. 3, lines 40 - 42); a memory operable to store a filter list, wherein the filter list identifies filter statuses (filter characteristics) associated with one or more call identifiers (col. 1, lines 51-55); a processor operable to determine a filter status of the call based on at least the filter list (col. 2, lines 45-53); a filter node operable to: receive a call, wherein the call includes a call identifier; determine a filter status of the call; and transmit a notification message (forwards packets) to a network node, wherein the notification message identifies the call identifier and the filter status of the call and wherein the notification message conforms to a protocol that primarily communicates tracking information(col. 3, lines 48-51); and a plurality of network nodes, each network node operable to receive the call and to take a filter action based on the filter status of the call (col. 4, lines 1-15).

Consider **claim 2, 10, and 18, Ong** shows the method, the apparatus, and the system that further comprising receiving an open message (Common Open Policy Service or COPS message), wherein the open message identifies a node operable to receive notification messages (decision message or DEC), and

wherein transmitting the notification message comprises transmitting the notification message to the identified node (col. 4, lines 49-63).

Consider **claims 3, 11, and 19, Ong** shows the method, the apparatus, and the system wherein the open message identifies a hold time for which the open message is valid (col. 5, lines 20-23).

Consider **claim 4, 12, and 20 Ong** shows the method, the apparatus, and the system further comprising receiving keepalive messages from the identified node, wherein the keepalive messages indicate that the identified node is still operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node based on whether a keepalive message has been received within a predetermined time period (col. 1, lines 36 - 47).

Consider **claim 5, 13, and 21, Ong** shows the method, the apparatus, and the system, wherein each keepalive messages identifies a hold time for which the keepalive message is valid (col. 1, 46- 50).

Consider **claim 6, 14, and 22, Ong** shows the method, the apparatus, and the system, wherein determining a filter status of the call comprises determining a filter status of the call based on at least one of a calling number associated with the call, a called number associated with the call, a network address associated with the call, and a carrier associated with the call (col. 6, claim 9).

Consider **claim 7, 15, 24, and 28, Ong** shows the method, the apparatus, and the system for tracking telecommunication services comprising: receiving a request message from a remote node, wherein the request message includes a call identifier; determining an acknowledgement message (decision message) to the remote node, wherein the acknowledgement message identifies the filter status and wherein the acknowledgment message conforms to a protocol that primarily communicates tracking information (col. 4, lines 56-63).

Consider **claim 8, 16, and 25, Ong** shows the method, the apparatus, and the system, wherein determining a filter status associated with the call identifier comprises determining a filter status of the

call based on at least one of a calling number associated with the call, a called number associated with the call, and a carrier associated with the call (col. 6, claim 9).

Consider **claim 23, and 26, Ong** shows the system, wherein the filter node comprises one of a plurality of filter nodes (col. 3, lines 50-55).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claims 1-28** are rejected under 35 U.S.C 102 (a) as being anticipated by Cao, Ha, Padmanbhan, Yuan, and Tran (**Call Filtering And Tracking in IP Telephony, August 13-15, 2003, Proceedings of the 7<sup>th</sup> IASTED International Conference, Honolulu, Hawaii, USA** ).

Consider **claims 1, 9, 17, and 27, Cao** clearly shows and discloses a method, an apparatus, and a system for tracking telecommunication services comprising: a network interface operable to receive a call, wherein the call includes a call identifier (Abstract); a memory operable to store a filter list, wherein the filter list identifies filter statuses associated with one or more call identifiers (page 134, 2.1 filtering criteria for cal-based filtering and tracking); a filter node operable to: receive a call, wherein the call includes a call identifier; determine a filter status of the call; and transmit a notification message to a network node, wherein the notification message identifies the call identifier and the filter status of the call and wherein the notification message conforms to a protocol that primarily communicates tracking information(page 137, 3.2.1 Enhancement on existing VoIP protocols) ; and a plurality of network nodes,

each network node operable to receive the call and to take a filter action based on the filter status of the call (page 137, 3.2 End-to-end tracking).

Consider **claim 2, 10, and 18, Cao** shows the method, the apparatus, and the system that further comprising receiving an open message, wherein the open message identifies a node operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node (page 137 and 138, 3.2.2 IPTT- A New VoIP tracking protocol; figures for format of each message, open and notification message).

Consider **claims 3, 11, and 19, Cao** shows the method, the apparatus, and the system wherein the open message identifies a hold time for which the open message is valid (page 138, figure for format of each message, open message).

Consider **claim 4, 12, and 20, Cao** shows the method, the apparatus, and the system further comprising receiving keepalive messages from the identified node, wherein the keepalive messages indicate that the identified node is still operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node based on whether a keepalive message has been received within a predetermined time period (page 138, lines 5; and figures for format of each message, keepalive message).

Consider **claim 5, 13, and 21, Cao** shows the method, the apparatus, and the system, wherein each keepalive messages identifies a hold time for which the keepalive message is valid (page 138, figures for format of each message, the format of keepalive message shows “hold time”).

Consider **claim 6, 14, and 22, Cao** shows the method, the apparatus, and the system, wherein determining a filter status of the call comprises determining a filter status of the call based on at least one of a calling number associated with the call, a called number associated with the call, a network address associated with the call, and a carrier associated with the call (page 134, 2.1 filtering criteria for cal-based filtering and tracking).

Consider **claim 7, 15, 24, and 28, Cao** shows the method, the apparatus, and the system for tracking telecommunication services comprising: receiving a request message from a remote node, wherein the request message includes a call identifier; determining an acknowledgement message (request ACK or notification message) to the remote node, wherein the acknowledgement message identifies the filter status and wherein the acknowledgment message conforms to a protocol that primarily communicates tracking information (page 138, lines 2; and figures for format of each message, request, and notification message).

Consider **claim 8, 16, and 25, Cao** shows the method, the apparatus, and the system, wherein determining a filter status associated with the call identifier comprises determining a filter status of the call based on at least one of a calling number associated with the call, a called number associated with the call, and a carrier associated with the call (page 134, 2.1 filtering criteria for cal-based filtering and tracking).

Consider **claim 23, and 26, Cao** shows the system, wherein the filter node comprises one of a plurality of filter nodes (page 135, 2.2 Call Unique Identifier and Generic Transparency Descriptor, lines 1-7).

### ***Response to Arguments***

5. Applicants' argument regarding the rejection under 35 U.S.C 101 is persuasive; therefore, Examiner's rejection under 35 U.S.C 101 is withdrawn.
6. Applicants' arguments, with regards to Examiner's rejection under 35 U.S.C 102 (e), filed 30 April 2008 has been fully considered but they are not persuasive. claims 1 - 28 are now pending in the present application.
7. Applicants argue regarding the claims 1, 9, 17, and 27 on pages 12-13 of the Applicant's Response that Ong fails to disclose that the forwarded packets "identify" [a] call identifier and the filter

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status of [a] call." Thus, Ong fails to disclose "transmitting a notification message to a remote node, wherein the notification message identifies the call identifier and the filter status of the call"

The Examiner respectfully disagrees with Applicant's arguments, the cited reference states "the real-time firewall 150 receives real-time packets from the source network and forwards packets that are accepted according to some filtering characteristics (call identifier and filter status) described in the corresponding control protocol." Org clearly shows that the filtering characteristics characterizes the packets to be received or transmitted, the filtering characteristic may be any one of a traffic characteristic, network address, *a port identifier any combination of source and destination address and port numbers* (Org: col. 3, lines 48-51; and col. 4, lines 9-14). Moreover, without a call identifier a certain packet cannot be distinguished from other packets that related to other calls.

8. Applicants argue regarding the claims 7, 15, 24, and 28 on pages 13-14 of the Applicants' Response that Ong fails to indicate that the REQ message disclosed by Ong includes "a call identifier." Additionally, Ong does not indicate that the DEC message disclosed by Ong "identifies the filter status associated with the call identifier.

The Examiner respectfully disagrees with Applicants' arguments, the cited reference states "The COPS message sequence typically consists of a request (REQ) message and a decision (DEC) message. The REQ message is sent from the real-time fire wall 150 to the call server 130/190 to request filtering information. The DEC message is sent from the call server 130/190 to the real-time firewall 150 to contain-filtering information including the filtering characteristic 215" Org clearly shows that a request (REQ) message is sent to request filtering information. The (REQ) message cannot request filtering information that associated with the call without providing the call identifier; therefore, it is inherent that the (REQ) message includes the call identifier in order to request filtering status associated with the call. Regarding the DEC message, Org clearly shows in the cited reference that DEC message contains filtering information including filtering characteristic.



9. The declaration under 37 CFR 1.132 filed 30 April 2008 is insufficient to overcome the rejection of claim 1 - 28 based upon 35 U.S.C 102 (a) as set forth in the last Office action because: there are three Applicants (inventors) for the present application: Feng Cao, Binh Ha, and Radhika Padmanabhan. The declaration was signed by only one Applicant Feng Cao, the other two Applicants did not sign the declaration; therefore, the declaration is insufficient. Moreover, Applicants fail to provide a petition under 37 CFR 1.183 with the declaration requesting waiver of the signature of the unavailable inventors.
10. Therefore, in view of the above reasons, Examiner maintains rejections.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571- 270- 1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CURTIS KUNTZ/  
Supervisory Patent Examiner, Art Unit 2614

Examiner Amal Zenati  
/Amal Zenati/

July 17, 2008